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INTELLECTUAL PROPERTY LAW

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TO

Commissioner for Patents

Mail Stop: AF

FROM

Oleg F. Kaplun, Esq. of Fay Kaplun & Marcin, LLP

DATE

September 6, 2005

SUBJECT

U.S. Patent Appln. Serial No. 10/090,102

for Method and Apparatus for Sequentially Collecting and Analyzing Real Time Data with Interactive Monitoring

Our Ref.: 20110/00401

NUMBER OF PAGES INCLUDING COVER: 5

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Applicant

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Serial No.

10/090,102

SEP 0 6 2005

Filed

· March 2

For

March 2, 2002

Method and Apparatus for Sequentially Collecting and Analyzing Real

Time Data with Interactive Monitoring

Group Art Unit

2857

Examiner

Patrick J. Assouad

Mail Stop: AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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Commissioner for Patents dexandria, VA 22313-1450

Date: September 6, 2005

TRANSMITTAL

In response to the Final Office Action dated April 18, 2005 and the Advisory Action dated July 5, 2005, transmitted herewith please find a Notice of Appeal for filing in the above-identified application. Since the Response to the Final Office Action was filed within 2 months of the mailing date of the Final Office Action, Applicant hereby requests a one-month extension. Please charge the Credit Card of Fay Kaplun & Marcin, LLP in the amount of \$310.00 (PTO-Form 2038 is enclosed herewith). The Commissioner is hereby authorized to charge the **Deposit Account of Fay Kaplun & Marcin, LLP NO. 50-1492** for any additional required fees. A copy of this paper is enclosed for that purpose.

Dated: September 6, 2005

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Respectfully submitted,

Oleg F. Kaplun, Reg. 45, 559

Fay Kaplun & Marcin, LLP 150 Broadway, Suite 702 New York, NY 10038

Tel: (212) 619-6000 Fax: (212) 619-0276

[20110/00401]

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Dated: September 6, 2005

By:

Respectfully submitted

Oleg F. Kaplun, Reg.

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[20110/00401]

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner made in the Final Office Action dated April 18, 2005 rejecting claims 18-24 and 34-46 and the Advisory Action dated July 5, 2005.

Respectfully Submitted,

Dated: September 6, 2005

Öleg F. Kaplun (Reg. No. 45/559)

Fay Kaplun & Marcin, LLP 150 Broadway, Suite 702 New York, NY 10038

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